



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	01/16/08	AGENDA REQUEST NO:	III A
INITIATED BY:	RUTH LOHMER, PLANNER II <i>RL</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	RUTH LOHMER, PLANNER II	ASSISTANT PLANNING DIRECTOR:	DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A

SUBJECT / PROCEEDING:	SPECIAL EXCEPTION TO THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT STREET SIDE YARD SETBACK REQUIREMENT FOR 1518 MEADOWFAIR CT IN MEADOW LAKES SECTION 1 PUBLIC HEARING, CONSIDERATION AND ACTION
------------------------------	--

EXHIBITS:	STAFF REPORT, VICINITY MAP, SITE PLAN, SITE PHOTOS, COMPUTER ANIMATED DRAWINGS OF PROPOSAL, ADDITIONAL INFORMATION FROM APPLICANT, APPLICATION, PLAT EXCERPT, PUBLIC HEARING NOTICE
------------------	--

CLEARANCES	APPROVAL
-------------------	-----------------

LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP <i>AKU</i>
---------------	------------	------------------------------	--

RECOMMENDED ACTION

Approval of the requested Special Exception to allow the proposed addition in accordance with the attached site plan.

EXECUTIVE SUMMARY

This is a request for a Special Exception from the required street side yard setback in the Standard Single-Family Residential (R-1) District for property located at 1518 Meadowfair Court in the Meadow Lakes subdivision. The property was platted in 1996, and was platted and developed with a 15-foot street side yard setback requirement. The existing home was constructed to the 15-foot side yard setback. When the property was annexed into the City of Sugar Land, R-1 zoning was applied to the subdivision, which requires a 20-foot street side yard setback. The owner has requested the Special Exception in order to construct a pool and patio cover on the rear of the home, which would extend approximately five feet into the required 20-foot street side yard setback. The proposed pool and patio cover addition would meet the 15-foot setback as required by the plat of Meadow Lakes Section 1.

File No. P0009100

EXHIBITS

STAFF REPORT

Request for a Special Exception to the Standard Single-Family Residential (R-1) district street side yard requirement for 1518 Meadowfair Ct in the Meadow Lakes subdivision.

Analysis of Special Exception- Four Development Code Criteria:

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:

Criterion One:

The latest recorded plat of the property was approved prior to being annexed into the City;

Plat recorded: 1996

Annexed: 1997

Criterion Two:

The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)

The street side yard setback per the plat is 15 feet. Chapter 2 (Zoning) requires a setback of 20 feet. The recorded restrictions for the property are less restrictive than the City of Sugar Land zoning requirements.

Criterion Three:

Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and

The Special Exception would allow a proposed addition within 15 feet of the street side yard property line, which does not establish a setback that is less restrictive than the approved plat or recorded restrictions (15').

Criterion Four:

Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

Staff has examined the proposed Special Exception for key aspects:

- **Public Safety Review:** There do not appear to be any public safety issues associated with this request. Staff has not identified any safety concerns as a result of the proposed addition.
- **Proposal and the Neighborhood – Street Side Yard Setback Comparison:** The proposed addition appears to be generally compatible with the neighborhood based on an analysis of the proposed use of the site and an examination of the surrounding area. The table on the following page includes a comparison of the nearby corner lots, which are comparable to 1518 Meadowfair Court. Less than half of the comparable lots appear to meet the street yard setback requirement of 20 feet. This is due to the subdivision being developed while in the ETJ and most of the homes being built prior to annexation and zoning. These residences were largely built in compliance with the plat and recorded restrictions, which complied with the City's subdivision regulations, as opposed to the more restrictive zoning regulations.

- **Proposal and the Neighborhood – General Architectural & Landscape Context:** If it is of concern to the Board, the proposed addition appears to be architecturally compatible with the neighborhood. The Board may request additional information, such as proposed building elevations, to tie to the granting of the special exception if necessary.



Proposal and the Neighborhood – Street Yard Setback Comparison:

- **1519 Meadowfair Ct**
Does not appear to comply w/ minimum street side yard per zoning
- **1423 Meadow Lakes Dr**
Appears to comply w/ minimum street side yard per zoning
- **1511 Meadow Glade Ct**
Appears to comply w/ minimum street side yard per zoning
- **1510 Meadow Glade Ct**
Does not appear to comply w/ minimum street side yard per zoning
- **1511 Meadow Hill Dr**
Does not appear to comply w/ minimum street side yard per zoning
- **1310 Meadow Branch Dr**
Does not appear to comply w/ minimum street side yard per zoning
- **1318 Meadow Branch Dr**
Does not appear to comply w/ minimum street side yard per zoning
- **1311 Meadow Bay Ct**
Appears to comply w/ minimum street side yard per zoning
- **1403 Meadow Bay Ct**
Appears to comply w/ minimum street side yard per zoning

Conditions:

To ensure that the granting of a special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may, as part of its decision to grant a Special Exception:

- 1. Impose reasonable conditions or restrictions; and*
- 2. Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

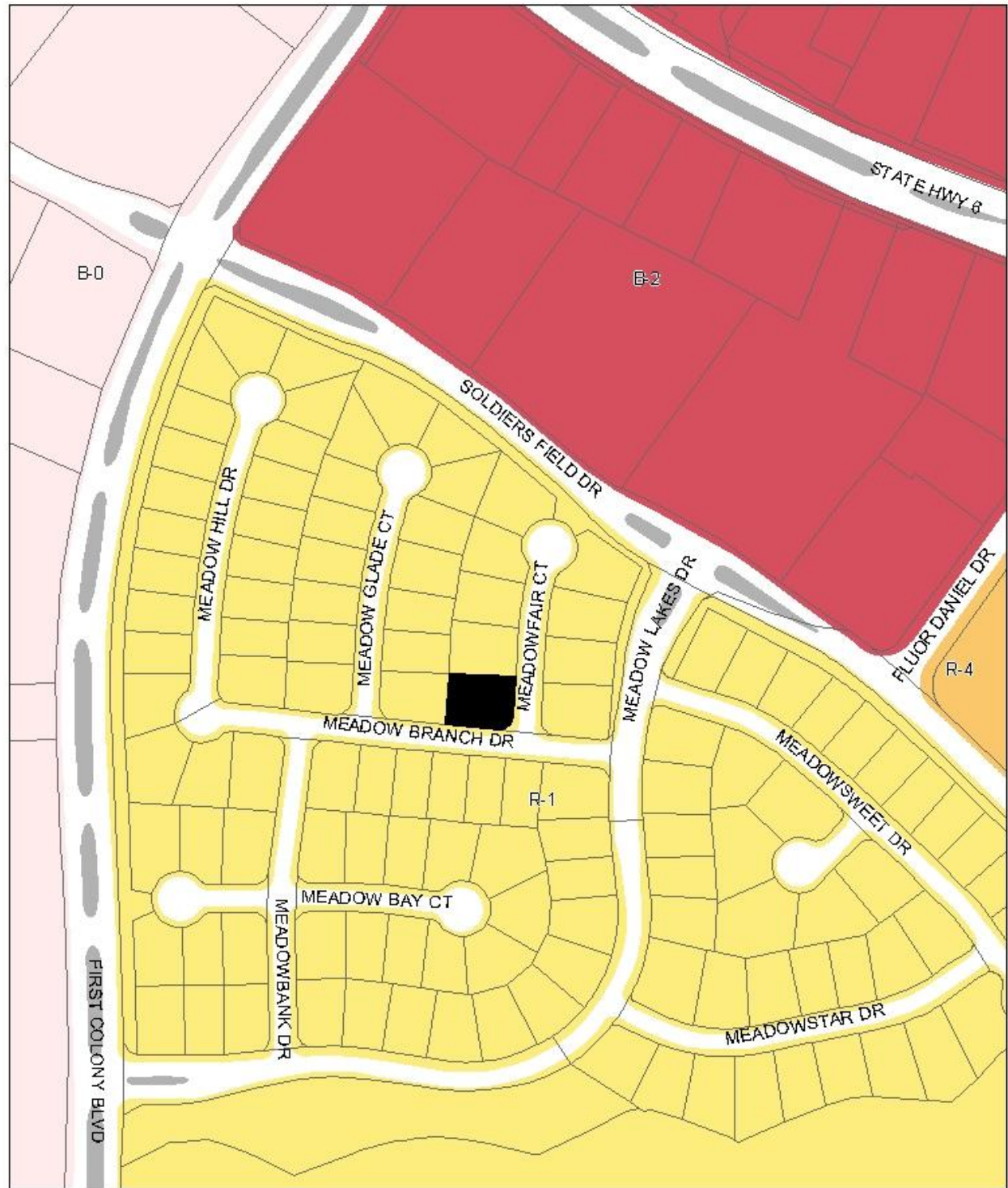
Staff Recommendation

Staff recommends that the Special Exception be approved subject to the following condition:

- Attachment of site plan to Special Exception showing proposal**

VICINITY MAP

1518 MEADOWFAIR CT



250

Feet



HEADON BRANCH DR.

SEA STREET ELEV. = 0.00'

Patient
Kitchen

first time.

vel SETBACKS

ਮੇਰੇ ਪਿਤਾ

FROM-NEWARK HOMES PURCH ACCT

281-484-8771

7-43 P. 02/02 P-100

242

20A

2 1/2 CAR GAR.
21' x 32'

at regular location

**PROPOSED
RESIDENCE**

10. JAMES EARL RAY, 1928-1968

517-60

25. 01.

4' CONC
PAVEMENT

10' CONC.
DRIVE

67.20-

4' PUBLIC WALK

4'x8' CON
LANDING

**CONC.
APPROACH**

1518 MEADOWFAIR CT.

4. STREET ELEV. = 0.00'

Handwritten signature
12/21/82

11/21/08

SITE PHOTOS

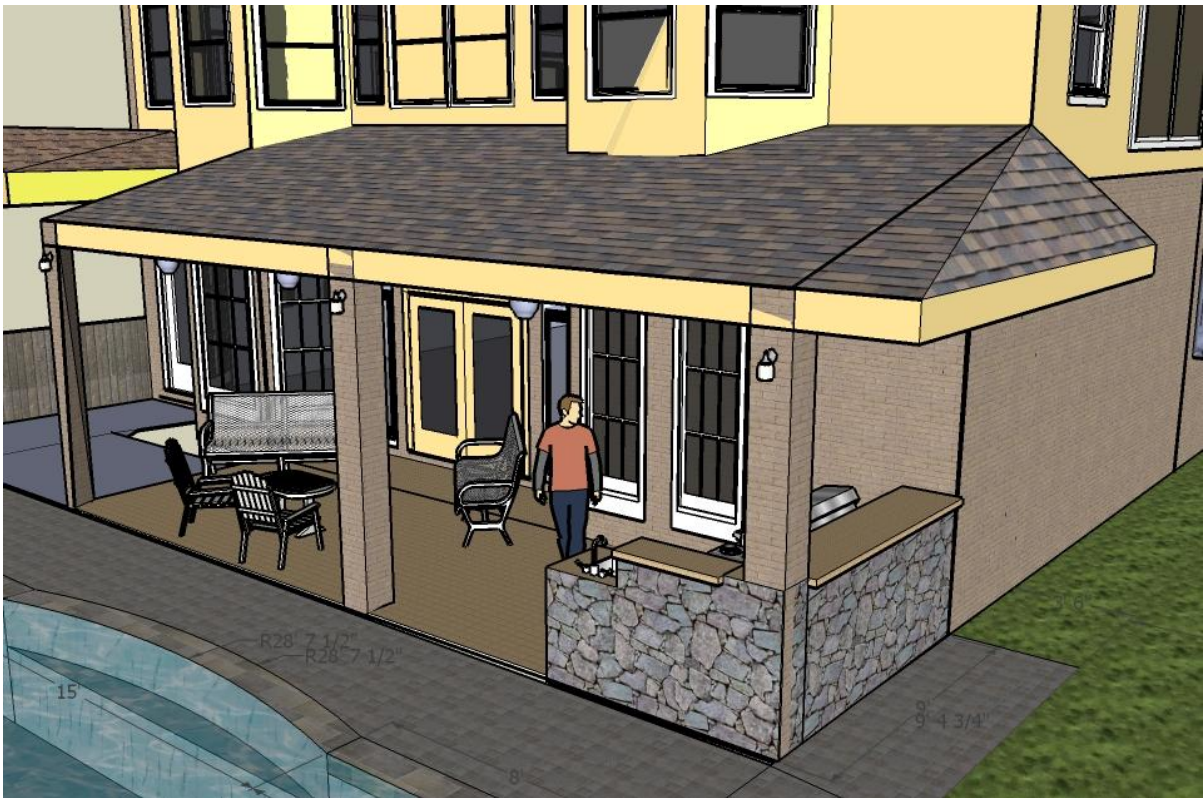
Front of House:



Rear Yard:



COMPUTER AUTOMATED DRAWINGS OF PROPOSAL



ADDITIONAL INFORMATION FROM APPLICANT (PAGE 1)

Jorge Montes
Meadow Lakes Subdivision
1518 Meadowfair Ct
Sugarland, Texas 77479

The following supports are being provided to better understand the intent of this application.

Intent

- The request is to ascertain approval from the zoning commission as instructed by city planning office due to a change in zoning policy after zoning for the house has been approved/constructed. Property was built using a 15ft side street building line (house seats on corner lot) and city planning is indicting that it need to be 20ft due to zoning changes after house approval/construction.
- Although zoning changed after house construction, provisions were made during purchase that intended to utilize max back yard value from what are now current zoning rules.
- Owner feels that all criteria is met by factual evidence of property dates, and requests for the zoning commission to approve enhancements to the property for surrounding subdivision values increase.

General

- All plans have been reviewed by FCCA and approved (for kitchen and patio), pool is under approval.
- Intent of construction is maintain the level of esthetics that can be seen from the street
- Intent is to provide higher value property while enhancing the level of well being to the home owner and surrounding neighbors
- Home owner since purchase has planned to utilize set boundaries for such enhancements. In fact, additional costs were incurred at original purchase of home to assure the level of safety in gas line installation by reroute of gas line.
- Home configuration with garage on side of house (as current) was selected intentionally due to the increased square footage to back yard by selecting such a configuration for such future modifications.

Patio Cover

- Patio Cover is only an extension to the existing 3ft roof. Extension increase is to 9ft which represents a 6ft increase to current layout.
 - Due to patio extension length, it is suitable to place columns to support the increase of the 6ft.
 - Modification is not expected to be an enclosed building nor structure.
 - Patio roofing material shall be same as house material so there are no-to-minor (due to aging roof) color differences.
 - Wood colors shall be the same as house colors.
 - Patio columns are shown to be made of current house brick, but this could have the slight possibility of changing to a mix of house brick and wood support structure. House theme will not be affected by this selection (ie., if house is of French design, column will be of complimentary French design)
 - Existing roof tie points will be utilized to minimize outwardly effects.
-

ADDITIONAL INFORMATION FROM APPLICANT (PAGE 2)

Outdoor Kitchen

- Kitchen shall be framed from sturdy material
- Kitchen shall contain a SS gas grill, double burner, 15" sink, a small refrigerator and storage capacity under the cabinet.
- Drain underneath kitchen modifications shall be used only for cleaning purposes of area to detract bugs or animals.

Pool

- Pool is designed with safety points
- Pool is designed to edge up to house for construction alignment
- No utility easement encroachment is expected.

Property Addresses within 200 feet of 1518 Meadow Fair Ct, Sugarland, Texas 77479.

- **Meadow Fair Ct.**
 - 1519 Meadow Fair Ct, Sugarland, Texas 77479
 - 1515 Meadow Fair Ct, Sugarland, Texas 77479
 - 1514 Meadow Fair Ct, Sugarland, Texas 77479
 - 1510 Meadow Fair Ct, Sugarland, Texas 77479
- **Meadow Branch Dr.**
 - 1414 Meadow Branch Dr, Sugarland, Texas 77479
 - 1410 Meadow Branch Dr, Sugarland, Texas 77479
 - 1406 Meadow Branch Dr, Sugarland, Texas 77479
 - 1402 Meadow Branch Dr, Sugarland, Texas 77479
- **Meadow Glade Ct.**
 - 1511 Meadow Glade Ct, Sugarland, Texas, 77479
 - 1507 Meadow Glade Ct, Sugarland, Texas, 77479
 - 1506 Meadow Glade Ct, Sugarland, Texas, 77479

APPLICATION



FOR OFFICE USE
Accounting Code: ZC

CITY OF SUGAR LAND PLANNING DEPARTMENT

SPECIAL EXCEPTION REQUEST APPLICATION ZONING BOARD OF ADJUSTMENT

Please fill out the following information & return your submittal to the Planning Department

APPLICANT: JORGE MONTES
Address: 1518 Meadowfair Ct.
Company: -
Phone: 281-686-9465
Fax: 281-491-6348
Email: Jorge.Montes@Howeywell.com

OWNER / AGENT:
Contact / Company: SAME AS ABOVE.
Address: /
Phone: /
Fax: /
Email: /

Please provide the following additional information as required under the Development Code (Chapter 2, Article I, Part 6):

Address and legal description of the property: Meadowlakes Sec. 1 Lot 47 Block 2

Date the property became subject to the city's zoning or extraterritorial jurisdiction: Nov 96

Date the property was annexed into the City: Nov 96

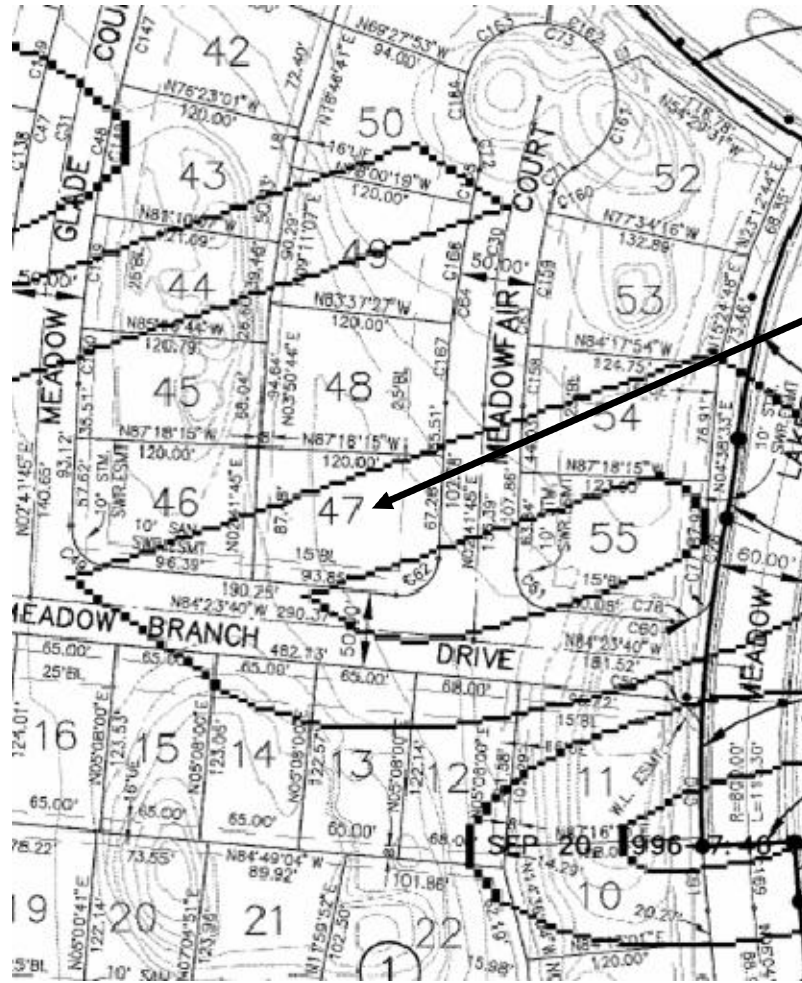
This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application. (Must be signed by property owner)

X [Signature] Date: 11/30/07
Signature of Applicant

SUBMITTAL REQUIREMENTS:

- THREE (3) copies of Application
- ✓ Submittal Fee: \$500 (non-refundable)
- Three (3) copies of site plan / plot plan (scaled/dimensioned drawing showing location of proposed building) at 24"x36" and One (1) copy at 11"x17"
- ✓ Address of property owners located within 200 feet
- ✓ Copy of the recorded plat of the property
- ✓ Copy of the recorded covenants and restrictions for the property

PLAT EXCERPT



1518 Meadowfair Ct

ADDRESS: 1518 MEADOWFAIR CT

PROPERTY IS PLATTED AS:

**LOT 47, BLOCK 3, MEADOW LAKES SECTION 1, RECORDED AS INSTRUMENT
NUMBER 1176255, IN SLIDE 1538A AND 1538B, PLAT RECORDS OF FORT BEND
COUNTY, TEXAS
(RECORDED IN 1996)**

NOTICE OF PUBLIC HEARING

REQUEST FOR A SPECIAL EXCEPTION TO THE STREET SIDE YARD SETBACK REQUIREMENT IN THE STANDARD SINGLE-FAMILY (R-1) RESIDENTIAL DISTRICT AT 1518 MEADOWFAIR COURT

NOTICE OF PUBLIC HEARING REGARDING A REQUEST FOR A SPECIAL EXCEPTION TO THE STREET SIDE YARD SETBACK REQUIREMENTS IN THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT AT 1518 MEADOWFAIR COURT, MORE SPECIFICALLY DESCRIBED AS LOT 47, BLOCK 2, MEADOW LAKES SECTION 1 SUBDIVISION, PLATTED AS INSTRUMENT NUMBER 1176255, IN SLIDE NUMBER 1538A AND 1538B, IN THE FORT BEND COUNTY PLAT RECORDS.

PURPOSE: One (1) public hearing shall be held at which all persons interested in the proposed Special Exception request shall be given an opportunity to be heard.

WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS

WHEN: CITY OF SUGAR LAND
ZONING BOARD OF ADJUSTMENT
5:00 P.M., JANUARY 16, 2008

DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.